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Convention on the Rights of the Child

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Committee on the Rights of the Child
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Summary record of the 1879th meeting
Held at the Palais Wilson, Geneva, on Tuesday, 27 May 2014, at 3 p.m.

Chairperson: Ms. Sandberg

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The meeting was called to order at 3.05 p.m.

Consideration of reports of States parties (*continued*)

Combined fourth and fifth periodic reports of Jordan on the implementation of the Convention on the Rights of the Child (continued) (CRC/C/JOR/4-5; CRC/C/JOR/Q/4-5 and Add.1)

Initial report of Jordan on the implementation of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (CRC/C/OPAC/JOR/1; CRC/C/OPAC/JOR/Q/1 and Add.1)

Initial report of Jordan on the implementation of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (CRC/C/OPSC/JOR/1; CRC/C/OPSC/JOR/Q/1 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Jordan took places at the Committee table.*

2. **Mr. Al Awamleh** (Jordan) said in reply to questions raised earlier that the Government had made efforts in recent years to reform care institutions for persons with disabilities. Those that violated regulations protecting the rights of persons in their care were issued a warning and required to bring their practices into line with the regulations within 30 days or face temporary closure. The residents of care institutions that failed to comply were transferred to institutions that were in compliance. Disciplinary measures could be taken against individual employees deemed personally responsible for rights violations, and institutions that sought to conceal evidence of unlawful practices would be shut down. New safeguards had been established in 2014 to protect the rights of persons with disabilities and to ensure punishment for persons who violated those rights. Under a new, inter-institutional agreement, specially trained members of civil society organizations would be allowed to conduct independent visits and inspections of care institutions for persons with disabilities, children and the elderly in order to ensure that their rights were not violated.

3. **Mr. Al Tawalbeh** (Jordan) said that the reservations Jordan had entered to the Convention did not prevent it from providing services to children based on their best interests. Those reservations were based on the country's religious, cultural and social traditions and were permissible under international law. Indeed, lifting the reservations could have harmful consequences for children and their development, and both his Government and civil society were of the view that they should be maintained. The practice of adoption ran counter to Islamic beliefs because it violated the rights of adopted children and other children in the adoptive family; the reservations were intended to protect the rights of the child.

4. **Mr. Kotrane** (Coordinator, Country Task Force) said that while States parties did have the right to enter reservations to the Convention, many States had reviewed and, in some cases, withdrawn their reservations. He noted that Jordan was one of the few that retained a reservation to article 14 of the Convention, and that article 21 allowed for various alternative solutions in lieu of adoption. It was to be hoped that Jordan would follow the lead of other Muslim countries such as Morocco and Egypt, which had withdrawn similar reservations to those entered by Jordan.

5. **Mr. Sukayri** (Jordan) said that although he could not guarantee the outcome, his Government would certainly review its reservations to the Convention.

6. **Ms. Al Daher** (Jordan) said, with reference to the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, that children were not conscripted into the armed forces of Jordan, either formally or

informally. The recruitment of children into the different law enforcement and defence forces, such as the police force, the gendarmerie and the civil defence force, was governed by various pieces of legislation, which, taken together, covered all forms of their involvement in the military, security forces and paramilitary groups. Responsibility for implementing the legislation was shared between the Ministry of Defence and the Ministry of the Interior; persons who did enlist minors were liable to up to 5 years' imprisonment under the Criminal Code.

7. The Optional Protocol had been published, upon its ratification, in the Official Gazette. Members of the military, including senior officials, had received training on the Optional Protocol. It was a requirement that the age of potential recruits must be verified by means of official documents such a birth certificate or family register; any failure to do so would incur penalties.

8. **Ms. Al Saraireh** (Jordan) said that military academies were run by the army and that costs such as food, accommodation and health care were normally borne by students' families. In addition to officer training academies, the armed forces also ran schools for the children of military families. Those schools ran in parallel with the mainstream school system, and those who attended them were considered to be students, not soldiers.

9. **The Chairperson** requested further information about the curriculum taught in those schools and whether it included weapons training.

10. **Ms. Al Saraireh** (Jordan) said that the curriculum was identical to that followed in mainstream schools and did not include weapons training. In addition, the uniforms worn by students did not resemble military uniforms.

11. **Ms. Al Daher** (Jordan) said that minors who attempted to cross the border into or out of Jordan with the aim of joining armed groups would be stopped and questioned by border guards. All persons entering Jordan must be unarmed, and those who violated that law were liable to penalties. The Government had authority only over Jordanian territory and could not enforce national laws in cases where children were recruited or supplied with weapons outside the country. Anyone who attempted to recruit children in refugee camps inside Jordan, however, would be subject to the full force of the law.

12. **Mr. Gurán** (Country Rapporteur for the Optional Protocol on the involvement of children in armed conflict) asked what procedures were in place to identify former child soldiers in refugee camps and to reunite them with their families.

13. **Ms. Winter** (Country Rapporteur for the Optional Protocol on the involvement of children in armed conflict) asked whether there had been any prosecutions, convictions or sentences handed down for the recruitment of children in refugee camps. She also asked whether the Supreme Court might consider reviewing its decision on extradition without dual criminality.

14. **Mr. Al Museimi** (Jordan) said that extradition was governed by bilateral agreements and by international instruments and laws, and that each extradition request was reviewed on a case-by-case basis. With regard to dual criminality, he said that if the act committed was criminalized only in the requesting State and not in Jordan but was prohibited under an international instrument to which Jordan was a party, then the extradition request must be considered in view of the fact that international instruments had primacy over national law.

15. **Ms. Al Daher** (Jordan) said that potential recruits who did not hold any official identity documents underwent a medical examination in order to verify their age, but that such cases were rare. Persons who had served in the Syrian military or in armed groups were not allowed into refugee camps in Jordan. Former child soldiers who arrived in Jordan as refugees were treated as such, not as ex-combatants.

16. **Mr. Al Museimi** (Jordan) said, referring to the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, that the national legislation on slavery and trafficking had come to focus on the punishment of perpetrators and the protection of victims since its introduction in 1927 and had proven effective in preventing repeat offences. The provisions of the Optional Protocol were covered under the Human Trafficking Act of 2009, which also addressed sexual exploitation. In addition to the Optional Protocol, Jordan was a party to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime and the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the same Convention. Furthermore, the corporal punishment of children, women and other vulnerable persons, the sale of human organs and the withholding of a person's passport or identity documents were prohibited by law, and any person convicted of the transmission of child pornography via the Internet was liable to imprisonment and a fine.

17. Regarding the protection of victims, provisions on psychological assistance and legal aid had been introduced in the national legislation. In cases where the victim was a child, a formal complaint was not necessary for proceedings to be initiated. Girls involved in sexual exploitation were not charged with moral offences but were treated as victims and received the support that they needed. Trafficking victims were placed in general shelters run by the Ministry of Social Development, and there were plans to open additional shelters specifically trafficking victims. Campaigns were being carried out to raise awareness of the risk of trafficking, and border officials were trained to identify potential cases and victims.

18. **The Chairperson** invited the delegation to clarify whether the law also covered the sale of children for purposes other than sexual exploitation, and to comment on reports that the protection of boys was inadequate. She asked whether a girl's ill repute could be used as an extenuating circumstance by her abuser and whether the victim status afforded to girl victims of sexual exploitation also applied to girls involved in prostitution. She enquired about any efforts to engage the private sector in the struggle against sex tourism.

19. **Mr. Gastaud** (Country Rapporteur for the Optional Protocol on the sale of children, child prostitution and child pornography), emphasizing the significant distinction between trafficking and the sale of children, said he took it that Jordanian law did not explicitly prohibit the sale of children. He noted that States parties were responsible for determining the nature of penalties for that offence and should not rely solely on the Optional Protocol.

20. **Mr. Al Museimi** (Jordan) read out the definition of trafficking contained in the Human Trafficking Act, noting that it included the sale of persons. A woman's reputation had no bearing on her treatment in cases of sexual exploitation. Cases of sex tourism were investigated by a unit of the judicial police and were prosecuted as appropriate. The National Committee against Human Trafficking was composed of representatives of the investigative services, public security forces and the labour inspectorate and had published its first report since the entry into force of the Act. Between 2009 and 2013, there had been an average of 18 trafficking cases per year. Those cases had typically involved more women than men and had been categorized as organ trafficking, exploitation of children or domestic workers, forced labour or sexual exploitation. The National Committee ran a field unit staffed by officials from various ministries who had been trained to identify potential cases and victims of trafficking, which were then reported to the relevant authorities. It had also set up a hotline that offered services in a number of languages. The Government cooperated with other countries and international organizations to raise awareness and provide training.

21. **The Chairperson**, referring to the Convention, asked the delegation to confirm that child victims of abuse were never treated as criminals, even in cases of sexual intercourse outside marriage. She also asked whether the perpetrators in such cases could be exempted

from criminal liability by marrying their victims. She invited the delegation to comment on reports that institutionalized girls were forcibly married when they turned 18 and could no longer remain in their institutions.

22. **Mr. Al Museimi** (Jordan) said that minors who engaged in sexual intercourse outside marriage were treated not as criminals but as children in conflict with the law, who should be rehabilitated and reintegrated. The rape of girls was a separate matter, however, and a distinction was drawn between the sexual exploitation of girls in the context of organized crime and individual cases of such abuse. Under article 308 of the Criminal Code, perpetrators could marry their victims provided that the latter consented to the marriage. In such cases, the marriage was required to last for a minimum of five years as a means of ensuring that marriage was not used as a means of avoiding prison. Article 308 was being reviewed in the light of the best interest of the child.

23. **Mr. Al Awamleh** (Jordan) said that institutionalized girls who continued to need special care after they turned 18 were transferred to other facilities.

24. **Ms. Al Daher** (Jordan) said that shelters for victims of domestic violence were governed by law and were meant to protect and reintegrate victims. There was a special centre for girls whose lives were threatened; however, it was full, so prisons and reform centres were used as backup. The Ministry of Social Development was taking steps to ensure that institutionalized girls could remain in care until an adequate family setting was found for them. The review of article 308 of the Criminal Code would also address the need to punish perpetrators, regardless of whether they married their victims. Forced marriage was an offence.

25. **Mr. Al Tawalbeh** (Jordan) emphasized that the Personal Status Code set out the requirements for valid marriages. Women were parties to a marriage contract in their own right and were required to conclude the contract themselves or to name a proxy. In addition, the free and full consent of the woman was required. If any of the requirements were not met, the contract was void and had to be terminated immediately. Therefore, forced marriages were impossible; however, if a forced marriage had been concluded abroad, it could be annulled in Jordan.

The meeting was suspended at 4.35 p.m. and resumed at 4.55 p.m.

26. **Ms. Al Daher** (Jordan) said that the remit of the National Council for the Family included monitoring the implementation of conventions and government decisions, drafting or advising the Government on bills and coordinating with other public entities. It had developed awareness-raising materials for children in the form of cartoons and computer games, which were distributed through schools. In addition, it educated parents about safe Internet use. The National Council had ample resources and skilled staff.

27. **Mr. Al Awamleh** (Jordan) said that a juvenile justice department had been established, that security and judicial agencies had mechanisms for processing matters involving children and that the mandate of social workers had been broadened. Security agencies had the authority to settle minor disputes, thereby sparing children a court appearance. The Juveniles Bill would raise the age of criminal liability and provide for legal aid and alternatives to detention.

28. **Mr. Cardona Llorens** (Country Task Force) said that although Jordanian law prohibited the sterilization of girls with an intellectual disability, a number were reportedly sterilized each year. He invited the delegation to clarify that apparent contradiction between law and practice. In addition, he asked whether reports that Jordanians of Palestinian origin had been arbitrarily stripped of their Jordanian nationality, leaving them stateless, were accurate. Furthermore, he wished to know what impact the global budget cuts proposed by the State party would have on policies concerning children. The Committee had also

received reports that girls were sent to detention centres when reception centres were full. Was that a common practice in the State party?

29. **Ms. Khazova** (Country Task Force) asked whether a child born in Jordan to a Jordanian mother and a foreign father could acquire Jordanian nationality.

30. **Mr. Mezmur** asked whether the State party viewed the increase in the number of marriages during the period 2012–2013 involving children aged between 15 and 18 years as a cause for concern. In addition, he asked whether the prison sentence prescribed by the law prohibiting the distribution of child pornography was sufficiently dissuasive and whether individuals who were in possession of but did not distribute child pornography could also be prosecuted under the same law.

31. **Mr. Al Armouti** (Jordan) said that his Government did not arbitrarily withdraw Jordanian nationality. However, it did review the situation of individuals who worked for the Palestinian authorities. Children born in Jordan to a Jordanian mother and a foreign father did not automatically acquire Jordanian nationality. However, there was a ministerial commission that could extend certain privileges to children and spouses without Jordanian nationality in areas such as health care and education.

32. **Ms. Al Daher** (Jordan) said that a child born in Jordan to a Jordanian mother and a stateless or unknown father automatically acquired Jordanian nationality. The penalties prescribed by the law prohibiting the distribution of child pornography needed to be reviewed to ensure that they were sufficiently dissuasive. Individuals who were in possession of child pornography, whether they distributed it or not, could be prosecuted and punished under the Criminal Code. Jordanian law prohibited the sterilization of girls with an intellectual disability, and it was a crime to perform such a procedure. If a complaint was filed with the competent authorities, the perpetrator of such an act would be duly prosecuted.

33. **Mr. Al Tawalbeh** (Jordan) said that the rate of marriage involving children between 15 and 18 years of age was accurate. The recent increase in that rate was partly attributable to the large influx of Syrian refugees; however, the low divorce rate for that age bracket indicated that the marriages so concluded were largely successful. His Government could provide additional statistics if required.

34. **Mr. Al Awamleh** (Jordan) said that, while the specific budget for policies concerning children had not been cut, such policies would inevitably be affected by global budget cuts.

35. **Mr. Cardona Llorens** asked the delegation to explain how the legislation governing inheritance did not discriminate on the basis of gender.

36. **Mr. Kotrane** said that the Committee had received reports that a significant number of girls were employed as domestic workers in Jordan. He asked whether Jordanian law contained specific provisions regulating domestic workers, such as a provision establishing a minimum age for performing such work, and whether the Jordanian Government intended to sign the International Labour Organization (ILO) Domestic Workers Convention, 2011 (No. 189).

37. **The Chairperson** asked why children born out of wedlock still accounted for approximately one third of the children currently residing in orphanages if their mothers were allowed to keep them.

38. **Ms. Winter** asked what proportion of girls availed themselves of a proxy to negotiate their marriage contract and what proportion negotiated their marriage contract themselves.

39. **Mr. Al Tawalbeh** (Jordan) said that, under Jordanian law, a mother could keep a child born out of wedlock. However, not all mothers in that situation were aware of that right and so did not exercise it. It should be made clear that those mothers were not deprived of that right at any time. His Government had a key role to play in raising awareness of that right and promoting cultural change in Jordanian society.

40. The legislation governing the division of inherited property was based on the formula contained in the Koran. Therefore, his Government could not amend the legislation. The formula was fair to girls as it guaranteed them a minimum share of the inheritance regardless of the circumstances. It was possible for girls to inherit more than boys if they were more closely related to the individual leaving them the inheritance.

41. In Jordan, marriage was viewed as a contract which could be concluded only with the full consent of both parties. Even if a woman named her father or a lawyer as her proxy, she was required to sign the contract herself in order for it to be valid. A court official also had to meet the woman in person before certifying the marriage. He was not able to provide the Committee with detailed statistics on marriage contracts at that time.

42. **Ms. Al Daher** (Jordan) said that Jordanian labour legislation had been amended to incorporate provisions regulating agricultural and domestic workers, irrespective of their nationality. Girls were allowed to work once they had reached 16 years of age and were not permitted to perform work considered hazardous. Once they reached the minimum working age, they were covered by other provisions, including social security provisions.

43. **Mr. Kotrane** said that the Committee had obtained a comprehensive overview of the situation of the rights of the child in Jordan through its dialogue with the delegation. He expressed the hope that the bills concerning children and protection against domestic violence would soon be enacted and that the Jordanian Government would consider withdrawing its reservations to the Convention.

44. **Ms. Winter** said she trusted that the State party's next report would contain the information that was missing from the present report. The Jordanian Government should give priority to harmonizing the minimum working age in its domestic legislation and to ensuring that refugees of different nationalities were afforded equal treatment.

45. **Mr. Gastaud** thanked the Jordanian delegation for the valuable information it had provided during the dialogue, which had helped to clarify a number of issues. The Committee would reflect its remaining concerns in its concluding observations.

46. **Mr. Nimrat** (Jordan) said that the constructive dialogue had identified a number of issues that needed to be addressed in order to enhance the protection afforded to children in Jordan. Although recent events in the Middle East had placed additional burdens on his country, his Government continued to shoulder its responsibilities and called upon the international community to do likewise. Those additional burdens would not impede the process of legislative and institutional reform that was under way in Jordan. His Government looked forward to receiving and using the Committee's concluding observations and recommendations to guide its efforts to further promote the rights of the child at the national level.

The meeting rose at 6 p.m.